

GIDON M. CAINE (Cal. State Bar No. 188110)
ALSTON & BIRD LLP
275 Middlefield Road
Suite 150
Menlo Park, California 94025-4008
Telephone: (650) 838-2000
Facsimile: (650) 838-2001
gidon.caine@alston.com

JESSICA P. CORLEY (admitted *pro hac vice*)
ALSTON & BIRD LLP
One Atlantic Center
1201 West Peachtree Street
Atlanta, Georgia 30309-3424
Telephone: (404) 881-7000
Facsimile: (404) 881-7777
jessica.corley@alston.com

Attorneys for Defendants
OCLARO, INC., ALAIN COUDER,
JERRY TURIN, and JAMES HAYNES

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CURTIS and CHARLOTTE WESTLEY,
individually and on behalf of others similarly
situated,

Plaintiffs,

v.

OCLARO, INC., et al.,

Defendants.

Case No. C11-2448 EMC
and related consolidated action

IN RE OCLARO, INC. DERIVATIVE
LITIGATION,

Lead Case No. C11-3176 EMC
(Derivative Action)

This Document Relates to:

No. C11-2448 EMC

**STIPULATION AND [PROPOSED]
ORDER RESCHEDULING CASE
MANAGEMENT CONFERENCE**

1 WHEREAS, on May 19, 2011, plaintiffs Curtis and Charlotte Westley filed a Class Action
2 Complaint for Violation of the Federal Securities Laws ("Complaint") (Dkt. No. 1) against
3 defendants Oclaro, Inc., Alain Couder, Jerry Turin, and James Haynes in the above-entitled matter;

4 WHEREAS, on October 27, 2011, Lead Plaintiff Connecticut Laborers' Pension Fund
5 ("Lead Plaintiff") filed an Amended Complaint for Violation of the Federal Securities Laws
6 ("Amended Complaint") (Dkt. No. 39) against Defendants Oclaro, Inc., Alain Couder, and Jerry
7 Turin (collectively, "Defendants");

8 WHEREAS, on March 27, 2012, the Court issued an Order granting Defendants' motion to
9 dismiss the Amended Complaint and Lead Plaintiff leave to amend (Dkt. No. 58);

10 WHEREAS, on April 26, 2012, Lead Plaintiff filed a Second Amended Complaint for
11 Violation of the Federal Securities Laws ("Second Amended Complaint") (Dkt. No. 62);

12 WHEREAS, on May 25, 2012, Defendants filed a motion to dismiss the Second Amended
13 Complaint (Dkt. No. 63);

14 WHEREAS, on April 20, 2012, the Court issued notice scheduling the Case Management
15 Conference for September 28, 2012 and the filing of the parties' Joint Case Management Statement
16 for September 21, 2012 (Dkt. No. 61);

17 WHEREAS, on August 31, 2012, the Court held a hearing on Defendants' motion to dismiss
18 the Second Amended Complaint and has yet to issue an order resolving the motion;

19 WHEREAS, pursuant to the Private Securities Litigation Reform Act of 1995, 15 U.S.C.
20 § 78u-4(b)(3)(B), discovery is currently stayed until the Court issues an order resolving Defendants'
21 motion to dismiss the Second Amended Complaint;

22 WHEREAS, in order to avoid the unnecessary expenditure of the Court's resources or effort
23 by the parties to this action, the parties have agreed, subject to the Court's approval, to a sixty (60)
24 day continuance of the Case Management Conference and all associated obligations, including the
25 filing of the Joint Case Management Statement; and

26 WHEREAS, this Stipulation and Order is without prejudice to, or waiver of, any rights,
27 arguments, or defenses otherwise available to the parties to this action.
28

NOW THEREFORE, the undersigned parties, by and through their counsel of record, stipulate as follows:

1. To the extent the Court does not issue an order resolving Defendants' motion to dismiss the Second Amended Complaint in the interim, the Case Management Conference, currently scheduled for September 28, 2012, is hereby continued to November 30, 2012, or another date at least sixty (60) days out from September 28, 2012 that is convenient to the Court;
2. To the extent the Court denies Defendants' motion to dismiss the Second Amended Complaint, the parties will work together to set another date for the Case Management Conference; and
3. The deadline for the Joint Case Management Statement, currently due September 21, 2012, shall be extended to one week prior to the rescheduled Case Management Conference.

DATED: September 20, 2012

**ROBBINS GELLER RUDMAN &
DOWD LLP**

ALSTON & BIRD LLP

By: /s/ Julie A. Kearns

JULIE A. KEARNS (Cal. State Bar No. 246949)
655 West Broadway, Suite 1900
San Diego, California 92101
Telephone: (619) 231-1058
Facsimile: (619) 231-7423
jkearns@rgrdlaw.com

By: /s/ Gidon M. Caine

GIDON M. CAINE (Cal. State Bar No. 188110)
275 Middlefield Road
Suite 150
Menlo Park, California 94025-4008
Telephone: (650) 838-2000
Facsimile: (650) 838-2001
gidon.caine@alston.com

and

and

SHAWN A. WILLIAMS (Cal. State Bar No. 213113)
Post Montgomery Center
One Montgomery Street, Suite 1800
San Francisco, California 94104
Telephone: (415) 288-4545
Facsimile (415) 288-4534
shawnw@rgrdlaw.com

JESSICA P. CORLEY (*pro hac vice*)
One Atlantic Center
1201 West Peachtree Street
Atlanta, Georgia 30309-3424
Telephone: (404) 881-7000
Facsimile: (404) 881-7777
jessica.corley@alston.com

Counsel for Plaintiffs

Counsel for Defendants Oclaro, Inc., Alain Couder, Jerry Turin

SIGNATURE ATTESTATION

I am the ECF User whose identification and password are being used to file the foregoing Stipulation and [Proposed] Order Rescheduling Case Management Conference. Pursuant to General Order No. 45, Section X (B) regarding signatures, I, Gidon M. Caine, attest that concurrence in the filing of this document has been obtained.

DATED: SEPTEMBER 20, 2012

/S/ GIDON M. CAINE
GIDON M. CAINE (CAL. STATE BAR NO. 188110)

PURSUANT TO STIPULATION, IT IS SO ORDERED.

CMC is reset from 9/28/12 to 11/9/12 at 9:00 a.m. A joint CMC Statement shall be filed by 11/2/12.

DATED: 9/21/12

HON. EDWARD M. CHEN
United States District Court Judge

